



FACT SHEET

SB 346 (KEHOE) – Hazardous materials: motor vehicle brake friction materials

As amended June 7, 2010

PROBLEM: Elevated copper levels occur in urban watersheds across California. Dissolved copper is toxic to phytoplankton (the base of the aquatic food chain). It also impairs salmon's ability to avoid predators and return to their home streams to spawn. Scientific studies have shown that the primary source of copper in highly urbanized watersheds is the fine dust generated by the use of vehicle brake pads.

Pursuant to the requirements of the federal Clean Water Act, the Regional Water Quality Control Boards in Los Angeles and San Diego have already imposed severe copper Total Maximum Daily Loads (TMDLs). Similar TMDLs are expected to be imposed on other urban watersheds across the state in the near future. The only technically and economically feasible way for municipalities to comply with these TMDLs is to eliminate copper pollution at its source – vehicle brake pads – no later than 2025. Any attempt to try and remove copper already dissolved in stormwater in highly urbanized areas would most likely require condemnation of large tracts of land and construction of elaborate infrastructure and cost already fiscally strapped local governments billions of dollars statewide with no guarantee that these methods would actually succeed.

SOLUTION: SB 346 would require brake pad manufacturers to reduce the use of copper in brake pads sold in California to no more than 0.5% by 2025. The bill also: 1) creates limits for other brake pad materials, 2) establishes a certification process by a third-party testing agency for compliance and requires the Department of Toxic Substances Control (DTSC) to charge a fee to cover the costs; 4) establishes civil penalties for violations; and 5) creates a Brake Friction Materials Water Pollution Fund into which any fines, penalties, and fees would be deposited. Funds collected would be used to implement the bill, upon appropriation by the Legislature. The goal is to improve California's water quality and allow California stormwater agencies to meet their TMDLs in a timeframe that is aggressive but realistic for brake and vehicle manufacturers.

BACKGROUND INFORMATION:

The bill is sponsored by the City of San Diego and Sustainable Conservation, and is the result of a 15-year effort to understand and address the impact on the environment of brake pad wear debris generated during the use of motor vehicles. A series of interlinked, peer-reviewed laboratory, environmental monitoring, and environmental modeling studies established that brake pads are by far the most significant source of copper in runoff from urban watersheds. Details of these studies can be found at www.suscon.org/brakepad.

SB 346 provides industry with a generous timeline within which to develop and distribute safe and effective copper-free brake friction materials, gives cities and counties the ability to demonstrate that they will meet their copper TMDLs in a timely manner, and removes a serious threat to the health of salmon and other aquatic life in California's urban watersheds.

For further information, please contact Linda Barr at (916) 651-4477 or by email at linda.barr@sen.ca.gov, or Justin Malan at (916) 448-1015 or by email at Justin@ecoconsult.biz.



SB 346

Page 2

Supporters:

Sustainable Conservation (co-sponsor)
City of San Diego (co-sponsor)
California Stormwater Quality Association
TDC Environmental
Coalition for Practical Regulation (representing 40 cities)
League of California Cities
Bay Area Stormwater Management Agencies Association (representing 84 cities and 7 counties)
California State Association of Counties
San Diego Coastkeeper
UC San Diego
Port of San Diego
U.S. Navy
Environmental Entrepreneurs
Sierra Club California
Natural Resources Defense Council
Center for Environmental Health
California Association of Environmental Health Administrators
California Product Stewardship Council
Forests Forever
Heal the Bay
Clean Water Action
Planning and Conservation League
California League of Conservation Voters
StopWaste.Org
City of Signal Hill
City of Lynwood
City of Carson
City of Whittier
City of Downey
City of Cerritos
City of Vista
City of Torrance
Los Angeles County Flood Control District
City of Arcadia
City of Los Angeles
City of Rolling Hills
City of Vernon
Ventura Countywide Stormwater Quality Management Program
City of Duarte
City of Sante Fe Springs
City of Lakewood
City of Camarillo
Coastal Environmental Rights Foundation
City of Commerce



SB 346

Page 3

Supporters:

City of Covina
Industrial Environmental Association
City of San Jose
City of Thousand Oaks
City of Monterey Park
City of Bellflower
City of Paramount
City and County of San Francisco
Alameda County Board of Supervisors
Ventura County Board of Supervisors
City of Santa Marina
City of Long Beach
City of Ventura